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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 HOWARD RONALD TUBIN, individually,

11 Plaintiff,

12 v.

13 DEPUY SYNTHES SALES, INC., d/b/a
DEPUY SYNTHES JOINT
14 RECONSTRUCTION; DEPUY SYNTHES
INC.; JOHNSON & JOHNSON; DEPUY
15 ORTHOPAEDICS, INC.; STRYKER
CORPORATION; HOWMEDICA
16 OSTEONICS CORPORATION d/b/a
STRYKER ORTHOPAEDICS; AAP
17 IMPLANTS, INC.; DOES 1 through 15,
inclusive; and ROE BUSINESS ENTITIES 1
18 through 15, inclusive,

19 Defendants.

20 CASE NO.: 2:20-cv-02347-APG-DJA

21 **STIPULATED MOTION TO EXTEND
TIME TO RESPOND TO COMPLAINT
(SECOND REQUEST)**

22 COMES NOW Plaintiff HOWARD TUBIN, by and through his attorneys of record, Lindsay
23 K. Cullen, Esq., and Brett A. Carter, Esq., of BERTOLDO, BAKER, CARTER AND SMITH, and
24 Defendants, DEPUY SYNTHES SALES, INC. d/b/a DEPUY SYNTHES JOINT
RECONSTRUCTION; DEPUY SYNTHES INC.; JOHNSON & JOHNSON; and DEPUY
25 ORTHOPAEDICS, INC. (collectively, "DePuy Defendants"), through their counsel, BARNES &

1 THORNBURG LLP and KAEMPFER CROWELL, and states that they met and conferred to discuss
2 the pending dispute and hereby stipulates as follows:

3 **WHEREAS**, on or around December 31, 2020, Plaintiff commenced this action by filing a
4 First Amended Complaint in the United States District Court for the District of Nevada, *Howard*
5 *Ronald Tubin v. DePuy Synthes Sales, Inc., et al.*, 2:20-cv-02347-APG-DJA;

6 **WHEREAS**, on January 22, 2021, the parties moved this Court to extend time for the Depuy
7 Defendants to respond to Plaintiff's Complaint while the parties participated and engaged in good
8 faith efforts to resolve this matter as to Defendants DePuy without the need for further litigation.

9 **WHEREAS**, the Court granted DePuy Defendants [First] Stipulated Motion to Extend Time
10 on January 25, 2021, via Minute Order DOC 18, thereby requiring DePuy Defendants to file their
11 response to Plaintiff's Complaint by February 24, 2021;

12 **WHEREAS**, the Parties continue to participate and engage in good faith efforts to resolve
13 this matter against the DePuy Defendants without the need for further litigation and thereby jointly
14 seek a second extension of time from this Court for DePuy Defendants to answer or otherwise
15 respond to Plaintiff's Complaint. If the Parties cannot reach a resolution, and for good cause hereby
16 appearing, the Parties agree and stipulate to an additional thirty (30) days of time for DePuy
17 Defendants to answer or otherwise respond to Plaintiff's Complaint, thereby making the responsive
18 pleading due by March 26, 2021.

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1 **IT IS THEREFORE STIPULATED AND AGREED** by Plaintiff and DePuy Defendants,
2 by and through their respective counsel, and the Court is respectfully requested to order that:

3 DePuy Defendants may have an extension of thirty (30) days from February 24, 2021 to file
4 a response to Plaintiff's Complaint. DePuy Defendants must file their responsive pleading by March
5 26, 2021.

6 DATED this 22nd day of February 2021

7 BERTOLDO BAKER CARTER &
8 SMITH

9 */s/ Lindsay K. Cullen*
10 LINDSAY K. CULLEN, ESQ.
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11 BRETT A. CARTER, ESQ.
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Attorneys for Plaintiff

6 DATED this 22nd day of February 2021

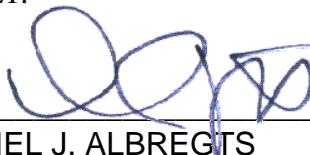
7 KAEMPFER CROWELL

8 */s/ Robert McCoy*
9 ROBERT MCCOY, ESQ.
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12 Attorneys for Defendants, Depuy
Synthes Sales, Inc. dba, Depuy Synthes
Joint Reconstruction; Depuy Synthes
Inc.; Johnson & Johnson, and DePuy
Orthopaedics, Inc.

13 **ORDER**

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15 **IT IS SO ORDERED.**

16 DATED this 23rd day of February, 2021.

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21 DANIEL J. ALBREGTS
22 UNITED STATES MAGISTRATE JUDGE

23 Prepared and Submitted by:

24 BERTOLDO BAKER CARTER & SMITH

25 */s/ Lindsay K. Cullen*
26 LINDSAY K. CULLEN, ESQ.
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am employed in the County of Clark, State of Nevada, am over the age of 18 years and not a party to this action. My business address is that of Bertoldo Baker Carter & Smith, 7408 W. Sahara Ave., Las Vegas, Nevada 89117.

I HEREBY CERTIFY that on this 22nd day of February, 2021, I electronically filed the **STIPULATED MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT (SECOND REQUEST)** the Clerk of Court using the CM/ECF system for filing and transmittal of Notice of Electronic Filing to all parties and counsel identified on the Court generated Electronic Filing System and via electronic mail to the following:

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Attorneys for Defendant Howmedica Osteonics Corp

1 I certify under penalty of perjury that the foregoing is true and correct and that this Certificate
2 of Service was executed by me on the 22nd day of February, 2021 at Las Vegas, Nevada.

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4 */s/ Dana K. Taylor*
5 An Employee of Bertoldo Baker Carter & Smith
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